

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANET H GARFIELD,

No C 03-4124 VRW

Plaintiff,

CA9 Docket No: 09-15664

v

ORDER

MICHAEL J ASTRUE, Commissioner of
Social Security,

Defendant.

_____ /

Plaintiff Janet H Garfield has filed a notice of appeal (Doc #78, 79) from (1) the court's December 12, 2008 order granting defendant's motion for summary judgment against her on the complaint seeking judicial review of the Social Security Administration's final decision time-barred (Doc #74) and (2) the court's order denying her motion under FRCP 59(e) to alter or amend the December 12 order. Doc #77. Plaintiff did not submit the \$455 filing fee with her notice of appeal.

After the clerk of this court sent plaintiff a letter requesting payment of the \$455 fee, plaintiff filed a completed FRAP Form 4, the affidavit accompanying motion for permission to appeal in forma pauperis. Doc #83.

1 Plaintiff has not completed the procedural requirements
2 for seeking leave to proceed in forma pauperis on appeal. Because
3 plaintiff did not proceed in forma pauperis when she filed her
4 action in the district court, she is required by FRAP 24(a)(1) to
5 bring a motion seeking leave to proceed in forma pauperis on
6 appeal. The motion must attach an affidavit that not only provides
7 the information sought by Form 4 but also "claims an entitlement to
8 redress" and "states the issues that the party intends to present
9 on appeal." Plaintiff has not brought a motion and her affidavit
10 does not address the latter two requirements.

11 Plaintiff may bring a motion meeting the requirements of
12 FRAP 24(a)(1) within twenty-one (21) days of the date of this
13 order. Failure to do so will result in denial of in forma pauperis
14 on appeal.

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16 IT IS SO ORDERED.

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21 VAUGHN R WALKER
22 United States District Chief Judge
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